

2125



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Mark S. Boddy et al.

Title: AUTOMATED FINITE CAPACITY SCHEDULER

Docket No.: H16-17367 (256.029US1)

Serial No.: 09/188,399

Filed: November 6, 1998

Due Date: February 25, 2003

Examiner: Steven R. Garland

Group Art Unit: 2125

Commissioner for Patents  
Washington, D.C. 20231

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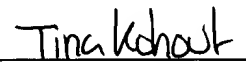
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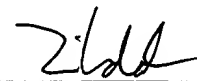
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PATENT

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Applicant: Mark S. Boddy et al. Examiner: Steven Garland  
Serial No.: 09/188399 Group Art Unit: 2125  
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RESPONSE UNDER 37 CFR § 1.111

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REMARKS

Applicant has carefully reviewed and considered the Office Action mailed on November 25, 2002, and the references cited therewith.

No claims are amended, cancelled, or added; claims 1-19, 27-29, and 32-34 remain pending in the application.

§103 Rejection of the Claims

Claims 1-3, 5-8, 10, 11, 13-19, 27-29 and 32-34 were rejected under 35 USC 103(a) as being unpatentable over Goldman et al. (IEEE Expert, US, IEEE Inc., New York, Vol. 12, No. 1, pp. 49-56 (1997)) in view of Tanaka (U.S. 5,353,229).

To sustain a rejection under 35 U.S.C. §103(a), the cited references must teach or suggest all the claim elements. M.P.E.P. § 2142 (citing *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed.Cir. 1991)).

The cited Goldman article describes a process of scheduling batch manufacturing based on constraints. It does not comprise resizing or modifying activities into smaller activities, and therefore further does not discuss scheduling both activities and smaller activities based on different types of constraints. The Goldman article further fails to contemplate scheduling activities of any type, whether a full activity or a resized or selectively modified smaller activity, based on both continuous and discrete constraints, where a continuous constraint is defined as related to other variables by linear mathematical relationships.